

**Executive Summary – Enforcement Matter – Case No. 49922**

**City of Mont Belvieu**

**RN102919941**

**Docket No. 2015-0065-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Cotton Bayou WWTP, located at 10100 Eagle Drive, approximately 1.4 miles north of IH-10 and 0.6 mile east of Eagle Drive on the east side of Mont Belvieu, Chambers County

**Type of Operation:**

Wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** December 25, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$61,562

**Amount Deferred for Expedited Settlement:** \$12,312

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$49,250

Name of SEP: Wastewater Treatment Plant Renovation (Compliance)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

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**City of Mont Belvieu**  
**RN102919941**  
**Docket No. 2015-0065-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** October 1, 2014

**Date(s) of NOE(s):** December 5, 2014

***Violation Information***

1. Failed to report in writing effluent violations which deviate from the permitted limit by more than 40% to the TCEQ Houston Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the Respondent did not submit noncompliance notifications for the effluent violations that exceeded the permitted limit by more than 40% for the monitoring periods ending September 30, 2013; November 30, 2013; February 28, 2014; March 31, 2014; May 31, 2014; and June 30, 2014 [30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014807001, Monitoring and Reporting Requirements No. 7(c)].
2. Failed to comply with permitted effluent limits for *Escherichia coli* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014807001, Effluent Limitations and Monitoring Requirements No. 1].
3. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the 30 minute settleable solids concentration in Aeration Basin No. 1 was 90% and 97% in Aeration Basin No. 2. Mixed liquor total suspended solids samples were collected from the aeration basins and yielded laboratory results of 8,040 milligrams per liter ("mg/L") and 10,200 mg/L, respectively. In addition, the sludge blanket level in Clarifier No. 2 was five feet in a total water depth of 16 feet [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0014807001, Operational Requirements No. 1].
4. Failed to timely submit the annual sludge reports for the monitoring periods ending July 31, 2013 and July 31, 2014 by September 30<sup>th</sup> of each year [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0014807001, Sludge Provisions].

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***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. By October 27, 2014, the Respondent submitted the annual sludge reports for the monitoring periods ending July 31, 2013 and July 31, 2014 to the TCEQ Houston Regional Office; and
- b. By August 20, 2015, the Respondent updated the Facility's operational guidance and conducted employee training to ensure that all reporting procedures are properly accomplished, including the submittal of noncompliance notifications for effluent violations which deviate from the permitted limitations by more than 40%, and that self-reporting requirements are properly accomplished, including the timely submittal of annual sludge reports to the TCEQ.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (See SEP Attachment A).
2. The Order will also require the Respondent to:
  - a. Within 60 days, develop and implement a solids management plan ("SMP") based on the designed treatment capabilities of the Facility. The SMP shall include a program of internal process control testing to monitor the efficiency of the Facility and to maintain a proper solids balance. The SMP shall provide procedures designed for the operator to act on as a result of process control tests, to properly adjust the solids balance, and to determine solids wasting rates. The SMP shall be prepared by a registered Texas Professional Engineer or a TCEQ certified Category A wastewater operator;
  - b. Within 75 days, submit written certification of compliance with 2.a.; and
  - c. Within 240 days, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0014807001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limits.

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**Docket No. 2015-0065-MWD-E**

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Ronica Rodriguez, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2541; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548  
**TCEQ SEP Coordinator:** Meaghan Bailey, SEP Coordinator, Litigation Division, MC 175, (512) 239-0205  
**Respondent:** Bryan Easum, City Manager, City of Mont Belvieu, P.O. Box 1048, Mont Belvieu, Texas 77580  
The Honorable Nick Dixon, Mayor, City of Mont Belvieu, P.O. Box 1048, Mont Belvieu, Texas 77580  
**Respondent's Attorney:** N/A

**Attachment A**  
**Docket Number: 2015-0065-MWD-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Mont Belvieu
<b>Penalty Amount:</b>	Forty-Nine Thousand Two Hundred Fifty Dollars (\$49,250)
<b>SEP Offset Amount:</b>	Forty-Nine Thousand Two Hundred Fifty Dollars (\$49,250)
<b>Type of SEP:</b>	Compliance SEP
<b>Project Name:</b>	<i>Wastewater Treatment Plant Renovation</i>
<b>Location of SEP:</b>	Chambers County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative penalty amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment plant which are described in this Agreed Order. This Agreed Order cites violations at Respondent's wastewater treatment plant. Respondent shall purchase and install clarifier covers. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: clarifier covers (the "Project"). Respondent shall solicit bids from qualified contractors to install the covers. Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C, Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent is performing the Compliance SEP solely as part of the terms of settlement in this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

**C. Minimum Expenditure**

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

**Estimated Cost Schedule**

<b>Item</b>	<b>Quantity</b>	<b>Cost</b>	<b>Units</b>	<b>Total</b>
Clarifier covers	3	\$20,000	Each	\$60,000
<b>Total</b>				<b>\$60,000</b>

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 90 days after the effective date of this Agreed Order.

**3. Records and Reporting**

**A. Progress Report**

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 60 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 30-day period and setting forth a schedule for achieving completion of the Project within the 90-day time-frame set forth in Section 2, Performance Schedule, above. Respondent shall submit progress reports to the TCEQ in 30-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

<b>Days from Effective Order Date</b>	<b>Information Required</b>
30	Notice of Commencement describing actions taken to begin project
60	Actions completed during previous 60-day period
90	Notice of SEP completion

**B. Final Report**

Within 90 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity), if applicable;
4. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and of the completed Project;
5. Copies of all engineering plans related to work performed pursuant to the Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

**C. Address**

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in

part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

**5. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**6. Publicity**

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**7. Recognition**

Respondent may not seek recognition for this project in any other state or federal regulatory program.

**8. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	5-Jan-2015	<b>Screening</b>	14-Jan-2015	<b>EPA Due</b>	
	<b>PCW</b>	28-Sep-2015				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Mont Belvieu
<b>Reg. Ent. Ref. No.</b>	RN102919941
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49922	<b>No. of Violations</b>	5
<b>Docket No.</b>	2015-0065-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Christopher Bost
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$64,250
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	25.0%	Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$16,062
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Notes: Enhancement for five months of self-reported effluent violations.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,957
Estimated Cost of Compliance	\$11,450

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$80,312
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	-23.3%	<b>Adjustment</b>	-\$18,750
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction so that the noncompliance reporting violations do not overly impact the penalty.

<b>Final Penalty Amount</b>	\$61,562
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$61,562
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$12,312
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$49,250
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Screening Date 14-Jan-2015

Docket No. 2015-0065-MWD-E

PCW

Respondent City of Mont Belvieu

Policy Revision 4 (April 2014)

Case ID No. 49922

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102919941

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for five months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 25%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 25%

Screening Date 14-Jan-2015

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PCW

Respondent City of Mont Belvieu

Policy Revision 4 (April 2014)

Case ID No. 49922

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102919941

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014807001, Monitoring and Reporting Requirements No. 7(c)

Violation Description

Failed to report in writing effluent violations which deviate from the permitted limit by more than 40% to the TCEQ Houston Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, as documented during an investigation conducted on October 1, 2014. Specifically, the Respondent did not submit noncompliance notifications for the effluent violations that exceeded the permitted limit by more than 40% for the monitoring periods ending September 30, 2013; November 30, 2013; February 28, 2014; March 31, 2014; May 31, 2014; and June 30, 2014.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the permit requirement was not met.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 6

273 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$22,500

Six single events are recommended, one for each report.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$22,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$174

Violation Final Penalty Total \$21,559

This violation Final Assessed Penalty (adjusted for limits) \$21,559

# Economic Benefit Worksheet

**Respondent** City of Mont Belvieu  
**Case ID No.** 49922  
**Reg. Ent. Reference No.** RN102919941  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	1-Oct-2014	20-Aug-2015	0.88	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

### Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and to conduct employee training to ensure that all reporting procedures are properly accomplished, including the submittal of noncompliance notifications for effluent violations which deviate from the permitted limitation by more than 40%, and that self-reporting requirements are properly accomplished, including the timely submittal of annual sludge reports to the TCEQ. Date required is the investigation date. Final date is the date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$150	7-Oct-2013	7-Jul-2014	1.67	\$12	\$150	\$162
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Estimated cost avoided by failing to submit the noncompliance notifications (\$25 per notification x 6 notifications). Date required is the date that the first noncompliance notification was due. Final date is the date that the last noncompliance notification was due.

Approx. Cost of Compliance

\$400

TOTAL

\$174

Screening Date 14-Jan-2015

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PCW

Respondent City of Mont Belvieu

Policy Revision 4 (April 2014)

Case ID No. 49922

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102919941

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014807001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during an investigation conducted on October 1, 2014, and shown in the attached table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

## Violation Events

Number of Violation Events 3

91 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$22,500

Three monthly events are recommended for the months of September 2013, November 2013, and May 2014.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$22,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1,696

Violation Final Penalty Total \$21,559

This violation Final Assessed Penalty (adjusted for limits) \$21,559

# Economic Benefit Worksheet

Respondent City of Mont Belvieu  
 Case ID No. 49922  
 Reg. Ent. Reference No. RN102919941  
 Media Water Quality  
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Sep-2013	19-Feb-2017	3.39	\$1,696	n/a	\$1,696

Notes for DELAYED costs

Estimated cost to evaluate the cause of noncompliance and implement corrective actions. Date required is the first date of noncompliance. Final date is the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,696

Screening Date 14-Jan-2015

Docket No. 2015-0065-MWD-E

PCW

Respondent City of Mont Belvieu

Policy Revision 4 (April 2014)

Case ID No. 49922

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102919941

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0014807001, Operational Requirements No. 1

## Violation Description

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on October 1, 2014. Specifically, the 30 minute settleable solids concentration in Aeration Basin No. 1 was 90% and 97% in Aeration Basin No. 2. Mixed liquor total suspended solids samples were collected from the aeration basins and yielded laboratory results of 8,040 milligrams per liter ("mg/L") and 10,200 mg/L, respectively. In addition, the sludge blanket level in Clarifier No. 2 was five feet in a total water depth of 16 feet.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 2

105 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended from the investigation date (October 1, 2014) to the screening date (January 14, 2015).

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$85

Violation Final Penalty Total \$7,186

This violation Final Assessed Penalty (adjusted for limits) \$7,186

# Economic Benefit Worksheet

Respondent City of Mont Belvieu  
 Case ID No. 49922  
 Reg. Ent. Reference No. RN102919941  
 Media Water Quality  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

## Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/Construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	1-Oct-2014	9-Jun-2016	1.69	\$85	\$85

Notes for DELAYED costs

Estimated cost to develop and implement a solids management plan based on the designed treatment capabilities of the Facility. Date required is the investigation date. Final date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/Equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$85



Screening Date 14-Jan-2015

Docket No. 2015-0065-MWD-E

PCW

Respondent City of Mont Belvieu

Policy Revision 4 (April 2014)

Case ID No. 49922

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102919941

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 4

Rule Cite(s) 30 Tex. Admin Code § 305.125(1) and (17) and TPDES Permit No. WQ0014807001, Sludge Provisions

Violation Description Failed to timely submit the annual sludge reports for the monitoring periods ending July 31, 2013 and July 31, 2014 by September 30th of each year, as documented during an investigation conducted on October 1, 2014.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			x

Percent 1.0%

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$24,750

\$250

## Violation Events

Number of Violation Events 2

471 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended, one for each report.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$479

This violation Final Assessed Penalty (adjusted for limits) \$479

# Economic Benefit Worksheet

**Respondent** City of Mont Belvieu  
**Case ID No.** 49922  
**Reg. Ent. Reference No.** RN102919941  
**Media** Water Quality  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	30-Sep-2013	27-Oct-2014	1.07	\$3	n/a	\$3
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the annual sludge reports for the monitoring periods ending July 31, 2013 and July 31, 2014. Date required is the date the first annual sludge report was due. Final date is the date the reports were submitted. See the Economic Benefit for Violation No. 1 for the estimated cost to conduct employee training.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

Screening Date 14-Jan-2015

Docket No. 2015-0065-MWD-E

PCW

Respondent City of Mont Belvieu

Policy Revision 4 (April 2014)

Case ID No. 49922

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102919941

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 5

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014807001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during an investigation conducted on October 1, 2014, and shown in the attached table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 3

89 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three quarterly events are recommended for the quarters containing the months of February 2014, March 2014, and June 2014.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$11,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$10,779

This violation Final Assessed Penalty (adjusted for limits) \$10,779

# Economic Benefit Worksheet

**Respondent** City of Mont Belvieu  
**Case ID No.** 49922  
**Reg. Ent. Reference No.** RN102919941  
**Media** Water Quality  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 2.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

EFFLUENT VIOLATION TABLE		
City of Mont Belvieu		
TPDES Permit No. WQ0014807001		
Docket No. 2015-0065-MWD-E		
Months	<b><i>E. coli</i> Daily Maximum Concentration</b>	
	<b><i>Before November 26, 2013</i></b> Limit = 394 CFU/100 mL	<b><i>After November 26, 2013</i></b> Limit = 399 CFU/100 mL
September 2013	2,420	
November 2013	2,420	
February 2014	770	
March 2014	770	
May 2014	2,420	
June 2014	727	

*E. coli* = *Escherichia coli*

CFU/100 mL = Colony Forming Units per 100 Milliliters



The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600622856, RN102919941, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600622856, City of Mont Belvieu

**Classification:** SATISFACTORY

**Rating:** 1.54

**Regulated Entity:** RN102919941, COTTON BAYOU WWTP

**Classification:** SATISFACTORY

**Rating:** 1.54

**Complexity Points:** 9

**Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** 10100 Eagle Drive, approximately 1.4 miles north of Interstate Highway 10 and 0.6 mile east of Eagle Drive on the east side of Mont Belvieu, Chambers County, Texas

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**WASTEWATER PERMIT** WQ0014807001

**WASTEWATER EPA ID** TX0053317

**WASTEWATER LICENSING LICENSE** WQ0011030001

**Compliance History Period:** September 01, 2009 to August 31, 2014

**Rating Year:** 2014

**Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** April 06, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 06, 2010 to April 06, 2015

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Christopher Bost

**Phone:** (512) 239 - 4575

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	June 03, 2010	(832609)	Item 5	January 15, 2011	(902846)
Item 2	September 14, 2010	(926816)	Item 6	March 14, 2011	(916914)
Item 3	September 16, 2010	(926813)	Item 7	October 13, 2011	(971984)
Item 4	October 11, 2010	(882088)			

Item 8	January 11, 2012	(991208)	Item 16	November 13, 2013	(1141312)
Item 9	February 17, 2012	(998575)	Item 17	January 08, 2014	(1153829)
Item 10	May 16, 2012	(1017045)	Item 18	February 17, 2014	(1161159)
Item 11	November 19, 2012	(1063993)	Item 19	May 14, 2014	(1181143)
Item 12	December 11, 2012	(1063994)	Item 20	September 10, 2014	(1206430)
Item 13	April 19, 2013	(1096330)	Item 21	September 30, 2014	(1199590)
Item 14	July 17, 2013	(1117810)	Item 22	November 12, 2014	(1219094)
Item 15	August 14, 2013	(1125597)			

#### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 05/31/2014 (1188043)	CN600622856	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 06/30/2014 (1193960)	CN600622856	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 09/30/2014 (1212840)	CN600622856	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
4	Date: 11/30/2014 (1224876)	CN600622856	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
5	Date: 12/31/2014 (1231655)	CN600622856	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

#### **F. Environmental audits:**

N/A

#### **G. Type of environmental management systems (EMSs):**

N/A

#### **H. Voluntary on-site compliance assessment dates:**

N/A

#### **I. Participation in a voluntary pollution reduction program:**

N/A

#### **J. Early compliance:**

N/A

#### **Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF MONT BELVIEU  
RN102919941**

§ **BEFORE THE**  
§  
§ **TEXAS COMMISSION ON**  
§  
§ **ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2015-0065-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Mont Belvieu ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located at 10100 Eagle Drive, approximately 1.4 miles north of Interstate Highway 10 and 0.6 mile east of Eagle Drive on the east side of Mont Belvieu, Chambers County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 10, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Sixty-One Thousand Five Hundred Sixty-Two Dollars (\$61,562) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Twelve Thousand Three Hundred Twelve Dollars (\$12,312) is deferred contingent upon the Respondent's timely and satisfactory

compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Forty-Nine Thousand Two Hundred Fifty Dollars (\$49,250) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. By October 27, 2014, the Respondent submitted the annual sludge reports for the monitoring periods ending July 31, 2013 and July 31, 2014 to the TCEQ Houston Regional Office.
  - b. By August 20, 2015, the Respondent updated the Facility's operational guidance and conducted employee training to ensure that all reporting procedures are properly accomplished, including the submittal of noncompliance notifications for effluent violations which deviate from the permitted limitations by more than 40%, and that self-reporting requirements are properly accomplished, including the timely submittal of annual sludge reports to the TCEQ.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to report in writing effluent violations which deviate from the permitted limit by more than 40% to the TCEQ Houston Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System

("TPDES") Permit No. WQ0014807001, Monitoring and Reporting Requirements No. 7(c), as documented during an investigation conducted on October 1, 2014. Specifically, the Respondent did not submit noncompliance notifications for the effluent violations that exceeded the permitted limit by more than 40% for the monitoring periods ending September 30, 2013; November 30, 2013; February 28, 2014; March 31, 2014; May 31, 2014; and June 30, 2014.

2. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014807001, Effluent Limitations and Monitoring Requirements No. 1, as documented during an investigation conducted on October 1, 2014, and shown in the table below:

EFFLUENT VIOLATION TABLE		
Months	<b><i>E. coli</i> Daily Maximum Concentration</b>	
	<b><i>Before November 26, 2013</i></b>	<b><i>After November 26, 2013</i></b>
	Limit = 394 CFU/100 mL	Limit = 399 CFU/100 mL
September 2013	2,420	
November 2013	2,420	
February 2014	770	
March 2014	770	
May 2014	2,420	
June 2014	727	

*E. coli* = *Escherichia coli*

CFU/100 mL = Colony Forming Units per 100 Milliliters

3. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0014807001, Operational Requirements No. 1, as documented during an investigation conducted on October 1, 2014. Specifically, the 30 minute settleable solids concentration in Aeration Basin No. 1 was 90% and 97% in Aeration Basin No. 2. Mixed liquor total suspended solids samples were collected from the aeration basins and yielded laboratory results of 8,040 milligrams per

liter ("mg/L") and 10,200 mg/L, respectively. In addition, the sludge blanket level in Clarifier No. 2 was five feet in a total water depth of 16 feet.

4. Failed to timely submit the annual sludge reports for the monitoring periods ending July 31, 2013 and July 31, 2014 by September 30<sup>th</sup> of each year, in violation of 30 TEX. ADMIN CODE § 305.125(1) and (17) and TPDES Permit No. WQ0014807001, Sludge Provisions, as documented during an investigation conducted on October 1, 2014.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Mont Belvieu, Docket No. 2015-0065-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Forty-Nine Thousand Two Hundred Fifty Dollars (\$49,250) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 60 days after the effective date of this Agreed Order, develop and implement a solids management plan ("SMP") based on the designed treatment capabilities of the Facility. The SMP shall include a program of internal process control testing to monitor the efficiency of the Facility and to maintain a proper solids balance. The SMP shall provide procedures designed for the operator to act on as a result of process control tests, to properly adjust the solids balance, and to determine solids wasting rates. The SMP shall be prepared by a registered

Texas Professional Engineer or a TCEQ certified Category A wastewater operator. Copies of the SMP shall be sent to the addresses listed under Ordering Provision No. 3.d below.

- b. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.a, in accordance with Ordering Provision No. 3.d below.
- c. Within 240 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0014807001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limits. The written certification shall be written in accordance with Ordering Provision No. 3.d below.
- d. The written certifications of compliance required by Ordering Provisions Nos. 3.b and 3.c shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certifications shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with copies to:

Water Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

  
For the Executive Director

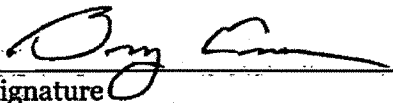
9/20/16  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

7/8/16  
Date

Bryan Easum  
Name (Printed or typed)  
Authorized Representative of  
City of Mont Belvieu

City Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.





**Attachment A**  
**Docket Number: 2015-0065-MWD-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Mont Belvieu
<b>Penalty Amount:</b>	Forty-Nine Thousand Two Hundred Fifty Dollars (\$49,250)
<b>SEP Offset Amount:</b>	Forty-Nine Thousand Two Hundred Fifty Dollars (\$49,250)
<b>Type of SEP:</b>	Compliance SEP
<b>Project Name:</b>	<i>Wastewater Treatment Plant Renovation</i>
<b>Location of SEP:</b>	Chambers County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative penalty amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its wastewater treatment plant which are described in this Agreed Order. This Agreed Order cites violations at Respondent's wastewater treatment plant. Respondent shall purchase and install clarifier covers. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: clarifier covers (the "Project"). Respondent shall solicit bids from qualified contractors to install the covers. Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C, Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent is performing the Compliance SEP solely as part of the terms of settlement in this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by improving the quality of wastewater effluent being released into the environment. Inadequately treated effluent can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

**C. Minimum Expenditure**

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

**Estimated Cost Schedule**

<b>Item</b>	<b>Quantity</b>	<b>Cost</b>	<b>Units</b>	<b>Total</b>
Clarifier covers	3	\$20,000	Each	\$60,000
<b>Total</b>				<b>\$60,000</b>

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 90 days after the effective date of this Agreed Order.

**3. Records and Reporting**

**A. Progress Report**

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 60 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 30-day period and setting forth a schedule for achieving completion of the Project within the 90-day time-frame set forth in Section 2, Performance Schedule, above. Respondent shall submit progress reports to the TCEQ in 30-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

<b>Days from Effective Order Date</b>	<b>Information Required</b>
30	Notice of Commencement describing actions taken to begin project
60	Actions completed during previous 60-day period
90	Notice of SEP completion

**B. Final Report**

Within 90 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity), if applicable;
4. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and of the completed Project;
5. Copies of all engineering plans related to work performed pursuant to the Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

**C. Address**

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in

part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

#### **5. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

#### **6. Publicity**

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

#### **7. Recognition**

Respondent may not seek recognition for this project in any other state or federal regulatory program.

#### **8. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.